



June 22, 2022

**VIA EMAIL**

Michelle H. Seagull, Commissioner  
Julianne Avallone, Director, Legal Division  
State of Connecticut  
Department of Consumer Protection  
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Hartford, Connecticut 06103-1840  
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Re: HelloFresh's Deceptive Advertising and Illegal Business Practices

Dear Commissioner Seagull and Attorney Avallone:

A recent Truth in Advertising, Inc. ("TINA.org") investigation into HelloFresh SE, a publicly traded meal-kit company based in Germany and the largest meal-kit provider in the United States,<sup>1</sup> revealed that the company is engaged in deceptive and illegal business practices, in violation of the Restore Online Shoppers Confidence Act (ROSCA)<sup>2</sup> and Connecticut state law.<sup>3</sup>

Specifically, TINA.org's investigation revealed that HelloFresh deceptively advertises "free" meals (by, among other things, sending promotional mailers to Connecticut residences) to lure consumers to enter their credit card information on its website through a process that employs dark patterns designed to pressure consumers to speed through their transactions and avoid reading the material terms of its subscription autorenewal program. This results in consumers being repeatedly charged without providing their express informed consent. And to make matters worse, the company employs dissuasion and diversion tactics so that consumers encounter unnecessary difficulty when trying to cancel their HelloFresh subscriptions. In addition, the company also uses deceptive social media influencer advertisements that fail to adequately disclose the influencers' material connections to the company despite the fact that HelloFresh is well aware of its legal obligations in this regard as regulators have directly corresponded with the company concerning this exact issue.<sup>4</sup>

Each of these deceptive acts and practices are explained more fully below.

## Deceptive “Free” Promotions to Lure Consumers into Negative Option Offers

In promotional mailers sent to consumers’ homes, HelloFresh advertises “17 FREE MEALS.”



In fact, HelloFresh makes repeated use of the word “Free” in marketing materials – in promotional fliers (as shown above) and in letters addressed to consumers (as shown below), as well as on envelopes that consumers receive.<sup>5</sup>



However, there are no free meals. The offer's terms and conditions, which can only be viewed by peeling off one of the two green promotional cards glued to the paper letter (an action that is not necessary to make use of the offer) indicates that nothing is being given for away for free.

Back of the card glued to the paper letter



*Offer only valid for new customers with an auto-renewal subscription purchase. "17 free meals" is based on a total discount that shall apply over a six week period of a minimum order of 3 meals for 4 people per week. Save 50% off your 1st box plus free shipping, 35% off your 2nd box, 20% off your 3rd box, 14% off your 4th and 5th boxes, and 5% off your 6th box. Discount varies by meal plan size. A shipping fee of \$9.99 shall apply on all deliveries after the first week...*

According to these terms, and contrary to HelloFresh's marketing of free food, HelloFresh is merely providing consumers with a discount on a set number of meals. Moreover, it is only providing a discount to consumers who (1) have never ordered with HelloFresh before, (2) set-up an autorenewal subscription with HelloFresh, and (3) order at least three HelloFresh meals for four people each week for six consecutive weeks. Given that the regular box price for an order containing three meals for four people (for a total of 12 meals) is \$101.88 (without shipping) on the HelloFresh website,<sup>6</sup> consumers who follow the terms and conditions of the offer must spend more than \$500 to get the equivalent of 17 regularly priced "free" meals.<sup>7</sup>

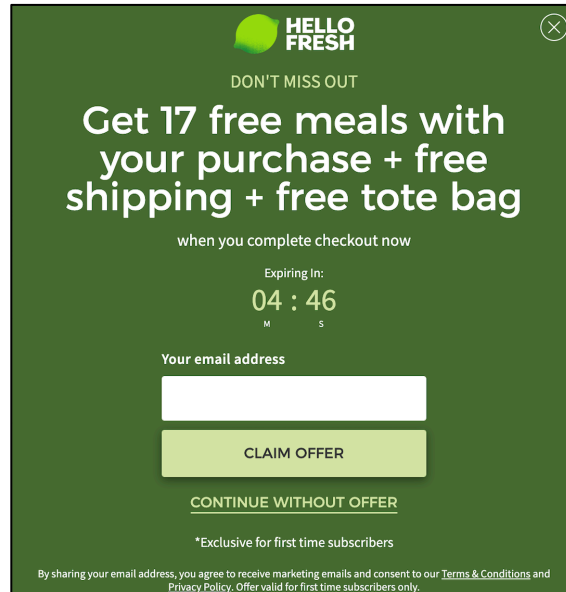
These material facts are not clearly or conspicuously disclosed in any of HelloFresh's marketing materials and run counter to the "free meal" marketing message that the company regularly disseminates.<sup>8</sup>

According to Connecticut state law, it is unlawful to advertise products or services as free when they are not, in fact, free.<sup>9</sup> As such, HelloFresh's marketing violates both Connecticut statutes and ROSCA.<sup>10</sup>

In addition, such deceptive offers of "free" food are particularly egregious during a time when food insecurity continues<sup>11</sup> and the cost of food is increasing,<sup>12</sup> making offers of free meals especially appealing to many susceptible consumers.

## Use of Dark Patterns and Failure to Adequately Disclose Terms of Subscription

Consumers who visit HelloFresh’s website and plug in the promo provided in the “17 FREE MEALS” promotion are led to believe that they only have five minutes to take advantage of the offer before it expires. (In reality, the offer does not expire when the countdown clock runs out.)<sup>13</sup>



This deceptive marketing tactic – a type of dark pattern<sup>14</sup> – induces consumers to speed through the shopping and checkout process, a process that is already marred by inadequate disclosures of material information about the offer.

Specifically, as consumers hurry through the process of attempting to order “17 free meals,” it is likely that they will not know that they are being automatically enrolled in the company’s subscription autorenewal program that (1) continues indefinitely until terminated,<sup>15</sup> and (2) requires them to take affirmative action every month in order to avoid recurring monthly charges.<sup>16</sup> Consumers will not be aware of these material terms because HelloFresh fails to clearly and conspicuously disclose this information in its check out process.

In fact, nowhere in the company’s marketing or during the checkout process does HelloFresh disclose that consumers’ purchases automatically enroll them in a monthly plan that continues in perpetuity. And the only places during the shopping and checkout process that HelloFresh references a need to take affirmative action in order to avoid recurring monthly charges are: (a) at the bottom of webpages, below prompts to continue to the next page (and thus easily missed),<sup>17</sup> and (b) in an abbreviated summary of the terms of the autorenewal plan in fine print – and with a hyperlink to the company’s dense 13,000+ word Terms and Conditions – after HelloFresh has collected consumers’ credit card information,<sup>18</sup> which violates ROSCA’s requirement that all material terms of the



transaction be clearly and conspicuously disclosed before obtaining the consumer's billing information.<sup>19</sup>

HelloFresh's material terms are so unclear and inconspicuous that a plethora of consumers have complained about unwittingly being signed-up for the company's autorenewal plan. By way of example, the complaints below were posted to the Better Business Bureau's page for HelloFresh:<sup>20</sup>

I received a gift code and, upon entering the gift code I was prompted to enter my credit card info to pay for shipping. ... Upon further inspection they had taken my card information that I used for shipping and entered it into recurring payment without my knowledge. .... This happened to my grandmother as well. ... she entered her card information to pay for shipping, Hello Fresh ripped that information and put it into a recurring payment without her knowing. Thankfully I was there to straighten the issue out, but had I not been there for her I do not know what she would have done. I can only imagine how many people have gotten stuck with this issue and are still unable to resolve it. This really seems to be up there with telemarketing scams targeting the elderly, and is absolutely unacceptable.<sup>21</sup>

I got a letter in the mail that they were giving away 17 free meals, this is a lie!!! There are no free meals!!! I opened the app to investigate. The app said it needed my card to use the app and as soon as I gave them my card I got locked into a meal package I did not purchase!...<sup>22</sup>

... This is a complete scam. I created an account that required a form of payment to look at the meals offered as I had received a coupon for 16 free meals. Upon looking through I decided that I'd wait and look into it more later. Next day I was reviewing my bank statement and discovered they had charged me almost 90 dollars and was sending me food. Upon calling the company to demand a refund I was informed that if I returned to the website my account would reactivate and I would be charged again. You can't remove your credit information nor log in to make sure it was actually a closed account. DO NOT USE HELLO FRESH AT ALL. Its fraudulent all over.<sup>23</sup>

...I recently received an ad on Instagram offering a discounted price for Hello Fresh. I clicked the ad to see what the deal was and if it was something that was suitable financially. After deciding it wasn't, I clicked out of the ad. That Sunday a box full of food showed up at my door and I was confused so I called Hello Fresh and asked them what happened and why this happened. I was told I activated my account- which I never knowingly did so. All I did was click an ad and I guess it gathered my information from last time and began charging me and shipping food. I never gave them consent to charge my card and I never even received a notification letting me know it was active and that I had an order being shipped or that I was charged...<sup>24</sup>

In short, it is clear that HelloFresh pushes consumers into subscription autorenewal plans without clearly and conspicuously disclosing all material terms and conditions and without obtaining consumers' affirmative consents, in violation of ROSCA.

### **Consumers' Difficulty Cancelling Subscriptions**

In addition, consumers have difficulty trying to cancel their HelloFresh subscriptions. A review of consumer complaints submitted to the Better Business Bureau regarding HelloFresh reveals that numerous consumers have experienced cancellation issues, ranging from continuous HelloFresh charges even after cancellation to poor customer service making it difficult to cancel. The following are some examples:<sup>25</sup>

I had cancelled my subscription to HelloFresh in August of 2021. Since then HelloFresh not only keeps charging me for deliveries but sending them as well. Since I know i had already cancelled this service, I am unaware they were sending a box of food to my house to sit there for days. After all, I had CANCELLED this subscription service. ...<sup>26</sup>

I was charged \$85.91 a week after I closed my account. They took funds without authorization for purchase and would not refund the money. They then started offering me credits for boxes. I explained that as far as I am concerned, that I wanted nothing further to do with this business.<sup>27</sup>

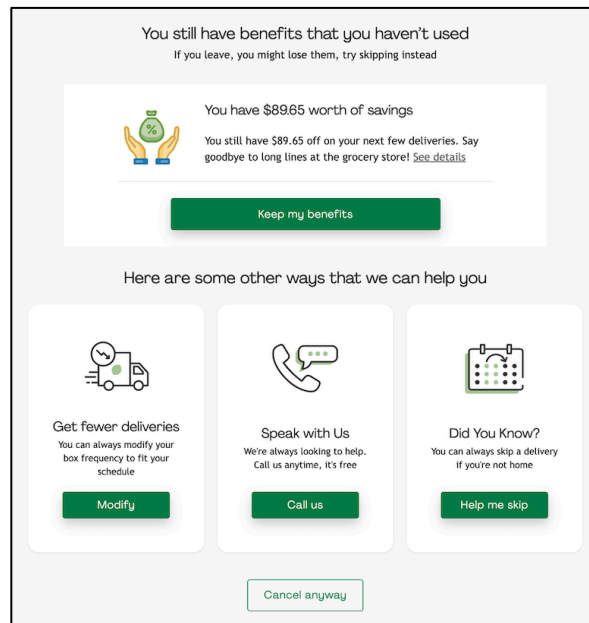
... They messed up my first order and continued sending boxes while charging me, even after I had canceled the service! I am fighting with them right now to get a package they delivered without my consent. I literally canceled it twice, but yet they keep contacting me and mailing me boxes. Oh yeah I canceled it again today, so that makes three times I tried to get rid of this service. This company is incompetent! They are a 0 Star rated company, but bbb will not let me post the review without giving a star.<sup>28</sup>

... I tried to call and cancel, they told me it was canceled, but it was not. I received packages from them filled with sauce onions pork and hot peppers, all things I don't eat. I called the bank to file a dispute and set up a stop payment, but that didn't stop, they just kept changing the amount they were charging, so the stop payment didn't do anything. Now left with no options, I have to close out my card!<sup>29</sup>

... I asked them to cancel any future deliveries and to provide a refund, as I never wanted or ordered the food. for the past 5 weeks, I have continued to be charged and received boxes at my door from Hello Fresh, and every week I have to call and cancel and request a refund. I have been going through this cycle for 5 or 6 weeks now , I cant keep count. I am satisfied that they continue to send me free food essentially but it is frustrating to call every single week and request to cancel - again, and request a refund- again. One time it caused my account to be over drawn and I had to pay the bank fee to my bank which ended up costing the same

amount, if not more, than the refund. I even tried taking my card off that was on file but it doesn't allow you to do that...<sup>30</sup>

TINA.org's investigation also revealed that HelloFresh employs the dark patterns of confirmshaming i.e., guiltig consumers into taking actions they had not intended,<sup>31</sup> when consumers attempt to cancel their subscriptions online through their HelloFresh accounts. Specifically, after logging into one's account and clicking on the "Cancel plan" button at the bottom of the page,<sup>32</sup> consumers are led to a webpage that informs them of the "benefits" and "savings" that have not yet been used, requiring consumers to request cancelation of their subscription a second time, after scrolling past other, more prominent options, including "Keep my benefits."



After clicking on the least prominent button at the bottom of the screen for "Cancel anyway," consumers are led to another webpage, which requires that consumers indicate the reasons for their cancelation.

Let us know why you're cancelling, maybe we can help

- I had a trial
- It is out of my budget
- I had issues with my payment or offers
- It is too difficult to manage my account
- Recipes don't meet my expectations or my dietary needs
- It is time consuming
- I had issues with my deliveries or contents
- There is too much packaging
- The size of the box or number of meals does not work for me
- I am using other meal kit providers
- I do not want a delivery every week
- Other

Only after completing this questionnaire are consumers finally informed that their account has been canceled but that their credit card for the initial order has already been charged (followed by an option labeled “I didn’t mean to cancel”). This is true even when cancelation occurs within minutes of the initial order.<sup>33</sup>

**Your subscription has been cancelled**

You have one final delivery on Saturday, Jun 18. This has already been charged.

Contact our team for any queries at [979-730-3663](tel:979-730-3663)

**Upcoming recipes that you might like**

Our curated recipes are always available to you. Keep cooking!



No doubt the tactics used by HelloFresh, including those reported by consumers, are employed to dissuade, or even prevent, subscribers from canceling so that HelloFresh may continue charging consumers on a monthly basis. These practices violate ROSCA.

### Deceptive Social Media Influencer Ads

Finally, though the FTC has already put HelloFresh on notice regarding the need to properly disclose material connections in its influencer marketing campaigns,<sup>34</sup> HelloFresh influencers continue to market the service without clearly and conspicuously disclosing their material connections to the company. In fact, the very post that the FTC identified in its March 2017 letter to HelloFresh as being in violation of the Commission’s Endorsement Guides remains unchanged.<sup>35</sup>

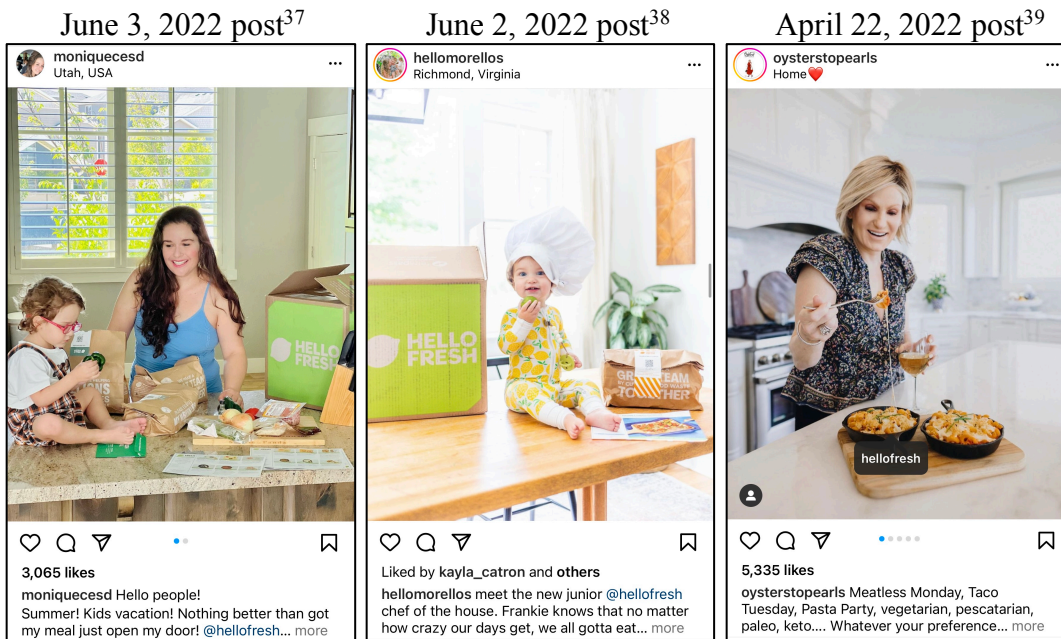


Screenshot captured on June 13, 2022

As the FTC noted more than five years ago when it flagged this post,

[t]o be both “clear” and “conspicuous,” the disclosure should use unambiguous language and stand out. Many consumers will not understand “#sp” to mean that the post is sponsored. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the ‘more’ button....<sup>36</sup>

TINA.org has identified a sampling of more than a dozen additional social media influencer posts that deceptively advertise HelloFresh products and services. A majority of these examples are posts that disclose that the influencer is a #hellofreshpartner below the fold, meaning that consumers will not see the disclosure without taking the action of clicking on “more” to read the full caption. Below are a few examples:



TINA.org’s sampling of deceptive social media ads for HelloFresh is available at <https://www.truthinadvertising.org/evidence/hellofresh-influencer-database/>.

## Conclusion

According to the U.S. Department of Agriculture, there are currently more than 38 million people living with food insecurity,<sup>40</sup> a serious issue that will continue to increase with U.S. food inflation expected to reach a 40-year high by the end of this year.<sup>41</sup> According to economic experts, “the world is on track for the worst food crisis in recent history.”<sup>42</sup> HelloFresh, a multibillion dollar company operating in 17 different countries across four continents,<sup>43</sup> is exploiting these factors by deceptively promising “free” food to millions of susceptible consumers and inducing them to unwittingly purchase subscriptions that automatically – and indefinitely – renew and which are then difficult to cancel.

TINA.org urges your office to open an investigation into HelloFresh and take appropriate enforcement action.

Sincerely,

Laura Smith, Esq.  
Legal Director  
Truth in Advertising, Inc.

Bonnie Patten, Esq.  
Executive Director  
Truth in Advertising, Inc.

Cc: Dominik Richter and Thomas Griesel, co-CEOs, HelloFresh

<sup>1</sup> HelloFresh also owns meal kit delivery service brands Green Chef, Every Plate, Chef’s Plate, Factor, and Youfoodz. *See* HelloFresh Group, About Us, <https://www.hellofreshgroup.com/en/>.

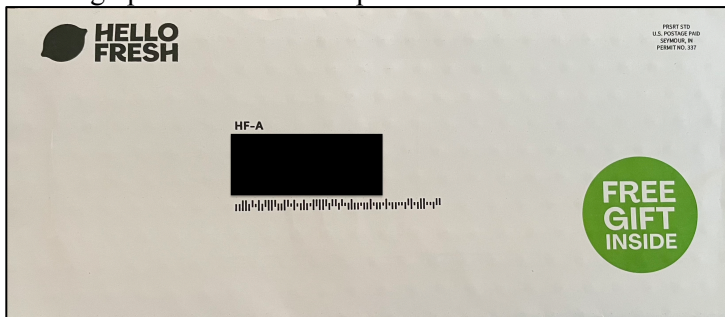
<sup>2</sup> 15 U.S.C. §§ 8401-8405.

<sup>3</sup> Connecticut Unfair Trade Practices Act, Conn. Gen. Stats. § 42-110b.

<sup>4</sup> *See* Mar. 20, 2017 letter from M. Engle to D. Richter; [https://www.ftc.gov/system/files/documents/foia\\_requests/1b-2017-00799\\_instagram\\_influencers\\_327\\_pgs.pdf](https://www.ftc.gov/system/files/documents/foia_requests/1b-2017-00799_instagram_influencers_327_pgs.pdf).

TINA.org has also notified the Federal Trade Commission regarding HelloFresh’s deceptive advertising and illegal business practices.

<sup>5</sup> Photograph of mailer envelope:



These photographs were taken of a HelloFresh mailer received at a Connecticut residence on June 7, 2022. Other similar mailers have also been used by the company. *See* Hello Fresh’s ‘17 Free Meals,’ Jan. 14, 2022, <https://truthinadvertising.org/articles/hello-freshs-17-free-meals/>.

<sup>6</sup> *See* HelloFresh Personalize your plan page, [https://www.hellofresh.com/plans?utm\\_campaign=act&utm\\_medium=flat&utm\\_source=gcfly&utm\\_content=featured=family&mealsize=3-4](https://www.hellofresh.com/plans?utm_campaign=act&utm_medium=flat&utm_source=gcfly&utm_content=featured=family&mealsize=3-4).

<sup>7</sup> The regular box price for an order containing three meals for four people for a total of 12 meals is listed at \$101.88. This amounts to each of the 12 meals costing \$8.49, meaning that 17 “free” meals would be a value of \$144.33 (without factoring in shipping).

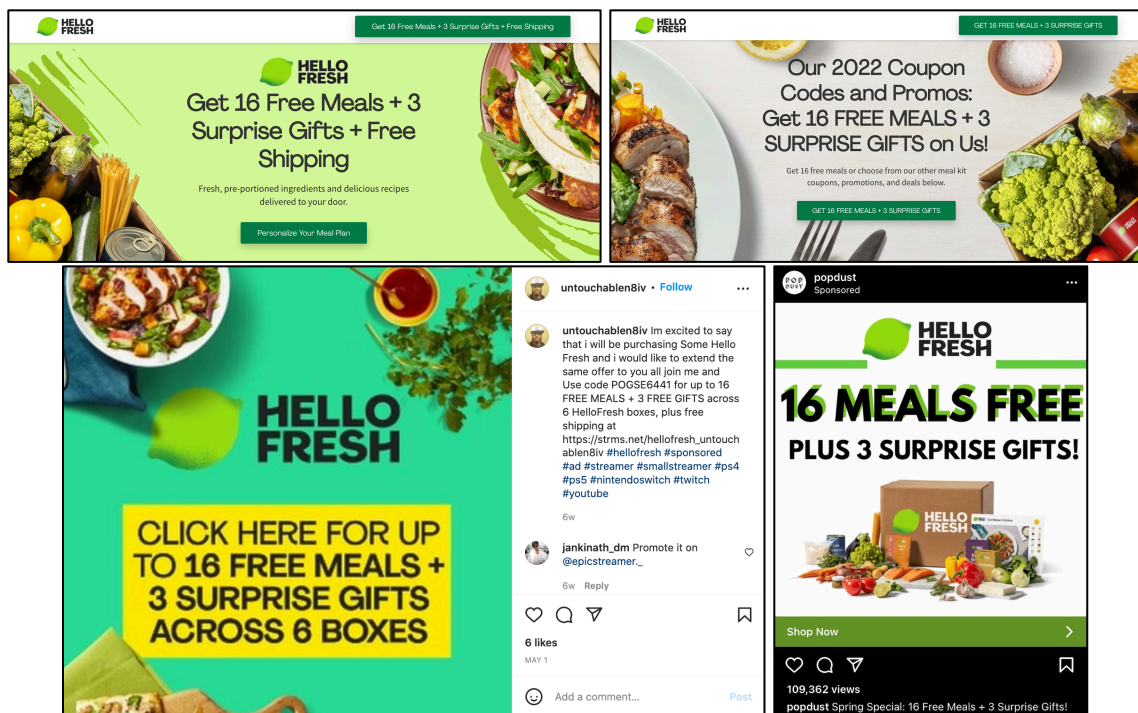
According to the terms and conditions on the back of the card, consumers save 50 percent off their first box plus free shipping, 35 percent off their second box, 20 percent off their third box, 14 percent off their fourth and fifth boxes, and 5 percent off their sixth box. This means that:

- the first week discount is \$50.94 plus \$9.99 in shipping for a total of \$60.93 (and consumers pay \$50.94);
- the second week discount is \$35.66 (and consumers pay \$66.22 plus shipping);
- the third week discount is \$20.38 (and consumers pay \$81.50 plus shipping);
- the fourth and fifth week discounts are \$14.26 each (and consumers pay \$87.62 plus shipping each of those weeks); and
- the sixth week discount is \$5.10 (and consumers pay \$96.78 plus shipping).

Thus, the grand total of discounts provided with this promotion is \$150.59 *if, and only if*, consumers pay \$470.68 plus shipping, which is listed as \$9.99 per order, of their own money.

Further, upon information and belief, these discounts cease if a consumer pauses their subscription pursuant to Section 10.4 of the company’s Terms and Conditions anytime during the first six weeks. *See* HelloFresh’s Terms and Conditions, <https://www.hellofresh.com/about/termsandconditions>.

<sup>8</sup> Note that HelloFresh advertises similar “free” promotions on its website, in national television commercials, and on its social media platforms, among other places, though the number of advertised free meals fluctuates. *See e.g.*, [www.hellofresh.com](http://www.hellofresh.com); <https://www.hellofresh.com/pages/coupon-codes-and-promotions>; <https://www.instagram.com/p/CdCY0E2O8GF/?igshid=MDJmNzVkMjY%3D>.



TINA.org’s full sampling of HelloFresh marketing materials that advertise “free” meals that are not actually free is available at <https://www.truthinadvertising.org/evidence/hellofresh-free-ads-database/>.

<sup>9</sup> Conn. Agencies Regs. § 42-110b-19.

<sup>10</sup> *See* In the Matter of MoviePass, Inc., Docket No. C-4751, Oct. 1, 2021 Complaint, [https://www.ftc.gov/system/files/documents/cases/1923000\\_-\\_moviepass\\_complaint\\_final.pdf](https://www.ftc.gov/system/files/documents/cases/1923000_-_moviepass_complaint_final.pdf).

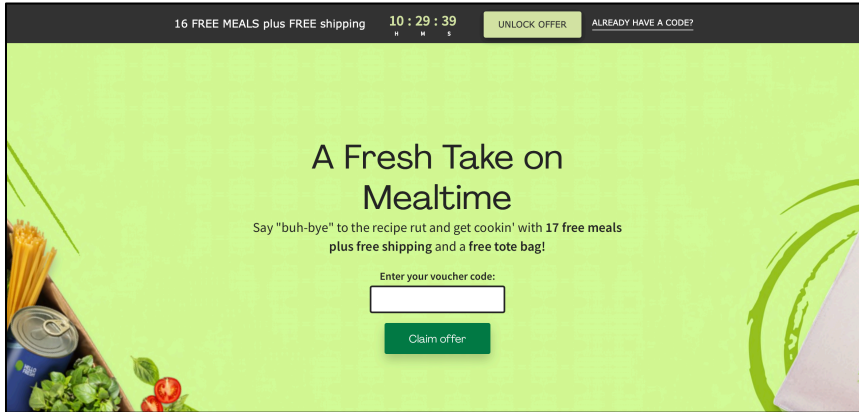
<sup>11</sup> Brief: Food Security Update, June 7, 2022, <https://www.worldbank.org/en/topic/agriculture/brief/food-security-update>.

<sup>12</sup> U.S.D.A. Economic Research Service, Summary Findings, Food Price Outlook, 2022, <https://www.ers.usda.gov/data-products/food-price-outlook/summary->



[findings/#:~:text=Food%20price%20increases%20are%20expected,between%206.0%20and%207.0%20percent.](#)

<sup>13</sup> Another variety of the “Free” meal offer appears on the website, which similarly presents consumers with a false countdown timer.



<sup>14</sup> Making Light Out of Dark Patterns, Apr. 4, 2016, <https://medium.com/@doublethought/making-light-out-of-dark-patterns-a2bf5080b7a8>; Deceptive Design, <https://www.deceptive.design/types>; FTC to Ramp up Enforcement against Illegal Dark Patterns that Trick or Trap Consumers into Subscriptions, Oct. 28, 2021, <https://www.ftc.gov/news-events/news/press-releases/2021/10/ftc-ramp-enforcement-against-illegal-dark-patterns-trick-or-trap-consumers-subscriptions>.

<sup>15</sup> HelloFresh Terms and Conditions, <https://www.hellofresh.com/about/termsandconditions?returnUrl=%2Fcheckout-form>, Section 5.2.

<sup>16</sup> HelloFresh Terms and Conditions, Sections 10.3 and 10.4.

Select plan
Register
Address
Checkout
Select meals

Sign up for HelloFresh to order your Minions pizza kit & get 2 free movie tickets\*

\*Restrictions apply. See <https://www.hellofresh.com/otstage> for full details.

### Personalize your plan

#### 1. Choose your preferences

Your preferences will help us show you the most relevant recipes first. You'll still have access to all recipes each week.

Meat & Veggies

Veggie

Family Friendly

Fit & Wholesome

Quick and Easy

Pescatarian

Swap proteins and sides if they aren't a perfect match. Learn more below.

#### 2. Customize your plan size

Number of people: 2 4

Recipes per week: 1 3 4 5 6

**Meat & Veggies**  
3 meals for 4 people per week  
12 total servings

Box price: ~~\$101.88~~

Price per serving: ~~\$8.49~~ **\$4.25**

Shipping: ~~\$9.99~~ **FREE**

Total: ~~\$111.87~~ **\$50.94**

Select this plan

Each week you can curate your personal menu and select from 50+ menu and market items.

### Enjoy 30+ recipes each week

Simply select recipes after checkout or view our complete weekly menus

**Meat and Veggies**  
our most popular plan

**Veggie**  
& Plant-based meals

**Family Friendly**  
kid-tested recipes

**Fit & Wholesome**  
for a balanced lifestyle

NEW

### Make it your own with HelloCustom

Now included in all plans. Change, swap, or upgrade 12+ sides and proteins each week. Your flavors, your choice, your recipes. Dig into a few HelloCustom examples below.

**Golden Chicken Schnitzel**  
Crispy potatoes OR broccoli

**Roasted Veggie Kale Salad**  
Chicken OR Steak

**Hoisin Honey**  
Shrimp OR Chicken

✓ They're getting a discount.

### We save you serious money

★★★★★

I have saved money and have no wasted food. I'm also learning fun, new cooking techniques. And my college-aged daughter loves all the new foods she is trying.

- Robin

★★★★★

I love the choices I have weekly as well as the ease of cooking. It's fun to try new stuff and I've saved money because I don't eat out as much.

- Holly

Based on customer reviews on Trustpilot

### FAQs

**Can I choose my recipes?**

After checkout, you will have access to the entire menu of 30+ weekly recipes. Want to mix and match? No problem, you can always pick and choose your recipes regardless of preference.

**Will HelloFresh recipes support my diet?**

We can help with that. Low carb? Vegetarian? Under 600 calories? We have options for everyone, and you can easily preview next week's menu.

**Can I change my plan or meal preferences?**

Absolutely! We know life is full of surprises. If you need more or fewer meals, or want to see different options from week to week, simply update your meal quantity and menu preferences in your account settings.

**How can I see ingredients and nutritional information?**

Each recipe we offer includes FDA nutrition information. You can view nutrition information and ingredients for each recipe in the "My Recipes" section after you've checked out.

**Will I be locked in a contract?**

Never. You can easily skip a week, pause, or cancel your account at any time in your account settings. Just make sure you do so before your weekly cutoff to stop your next order.

**Where can I see the upcoming menu?**

After you've selected your plan preferences, the recipe menu will display the upcoming options. Don't forget, you always have full access to the 30+ recipes available each week.

\*The cutoff for any changes is 11:59 pm PST 4 days prior to your next scheduled delivery. See the Help Center for more information.  
\*\*Up to three free gifts (total approx. value of \$23.99) when you subscribe to HelloFresh. First gift after fourth box purchase, second gift after sixth box, and third gift after eighth box purchase. Gifts available while supplies last.

**HELLOFRESH**

Support

Blog

Recipes

Items/Discounts

Recipe Directory

California Swaps/Chains Act

**OUR COMPANY**

HelloFresh Group

Careers

Press

**CONTACT US**

Help Center & FAQ

Partnerships/Inquiries

Corporate Sales

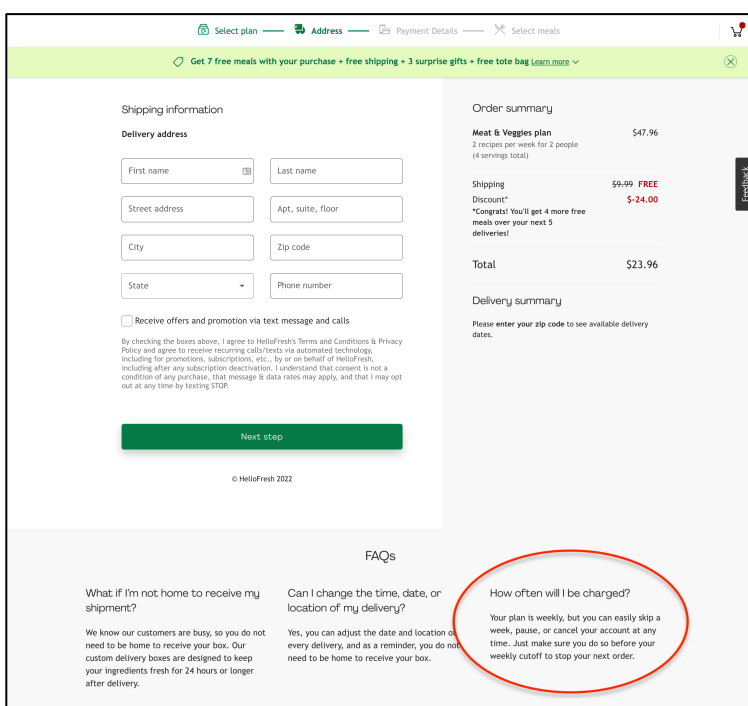
Do Not Sell My Personal Information

**Download our app**

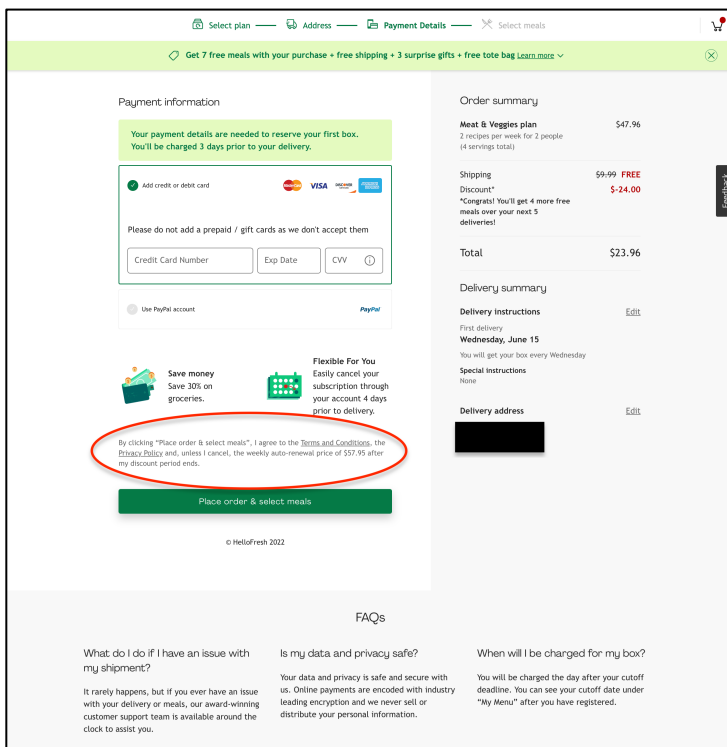
Manage your deliveries from anywhere, anytime.

© HelloFresh 2022 [Terms and Conditions](#) [Privacy](#) [Accessibility](#)

14



18



<sup>19</sup> 15 U.S.C. § 8402(a)(1).

<sup>20</sup> All typographical errors in the consumer complaints are in the original versions.

<sup>21</sup> <https://www.bbb.org/us/ny/new-york/profile/food-delivery/hellofresh-0121-142623/complaints>.

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<sup>22</sup> <https://www.bbb.org/us/ny/new-york/profile/food-delivery/hellofresh-0121-142623/customer-reviews>.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> All typographical errors in the consumer complaints are in the original versions.

<sup>26</sup> <https://www.bbb.org/us/ny/new-york/profile/food-delivery/hellofresh-0121-142623/complaints>.

<sup>27</sup> <https://www.bbb.org/us/ny/new-york/profile/food-delivery/hellofresh-0121-142623/customer-reviews>.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> <https://www.deceptive.design/types/confirmshaming>.



The screenshot displays the 'Plan Settings' page on the HelloFresh website. The page is divided into several sections:

- Meal preferences:** Includes a dropdown for 'Menu preferences' (Meat & Veggies), a description of the menu, and dropdowns for 'Number of people' (4) and 'Number of meals' (3 meals (+\$9.99 shipping)).
- Price:** \$101.88 / delivery (+\$9.99 shipping).
- Discounts:** A green banner indicates a discount applied: 'up to 50% off your next 6 deliveries (plus free shipping)'. Below this is a table of delivery discounts:

Delivery	Discount	Status
Delivery 1	50% OFF + FREE SHIPPING	Discount applied
Delivery 2	35% OFF	Upcoming
Delivery 3	20% OFF	Upcoming
Delivery 4	14% OFF	Upcoming
Delivery 5	14% OFF	Upcoming
Delivery 6	5% OFF	Upcoming

- Delivery:** Shows the delivery window (Saturday, 8:00 AM - 8:00 PM) and the delivery address (redacted).
- Payment method:** Shows a redacted payment method with a 'Change Payment Method' link.
- Rewards:** A section for 'Welcome to Fresh Rewards' with a 'Learn more' link.
- Status:** Indicates 'Your plan is active' and provides a 'Cancel plan' button.

At the bottom, there is a footer with links for 'HELLOFRESH', 'OUR COMPANY', 'CONTACT US', and 'Download our app'. Social media icons for Facebook, Twitter, and Instagram are also present.

<sup>33</sup> After being notified that the initial order that was placed just minutes earlier could not be canceled, TINA.org emailed HelloFresh at [hello@hellofresh.com](mailto:hello@hellofresh.com) to re-request full cancellation. The company responded to this email stating that it would not place a charge on the provided credit card. However, a little over three hours later, HelloFresh sent another email titled “Your first HelloFresh box is right around the corner!” TINA.org then emailed the company a second time to re-confirm cancellation (again) and was told (again) that the account had been canceled. TINA.org is continuing to track the status of the account and credit card charges.

<sup>34</sup> See Mar. 20, 2017 letter from M. Engle to D. Richter, [https://www.ftc.gov/system/files/documents/foia\\_requests/1b-2017-00799\\_instagram\\_influencers\\_327\\_pgs.pdf](https://www.ftc.gov/system/files/documents/foia_requests/1b-2017-00799_instagram_influencers_327_pgs.pdf).

<sup>35</sup> Caroline Manzo Oct. 26, 2016 Instagram post, <https://www.instagram.com/p/BMCoUnLjzPE/?taken%C2%AD%20by=carolinemanzo&hl%20=en>.

Below is a screenshot of the post from the FTC’s March 2017 letter:



<sup>36</sup> Mar. 20, 2017 letter from M. Engle to D. Richter, [https://www.ftc.gov/system/files/documents/foia\\_requests/1b-2017-00799\\_instagram\\_influencers\\_327\\_pgs.pdf](https://www.ftc.gov/system/files/documents/foia_requests/1b-2017-00799_instagram_influencers_327_pgs.pdf).

<sup>37</sup> <https://www.instagram.com/p/CeXOQ7YJ-Oe/>.

<sup>38</sup> <https://www.instagram.com/p/CeTky9prAxG/>.

<sup>39</sup> [https://www.instagram.com/p/Ccpv\\_7UObCf/](https://www.instagram.com/p/Ccpv_7UObCf/).

<sup>40</sup> USDA: Economic Research Service, Key Statistics & Graphics, <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/key-statistics-graphics/#insecure>.

<sup>41</sup> See e.g., Will Daniel, Apr. 21, 2022, Don’t expect the huge rise in food prices to slow anytime soon, Bank of America says, <https://fortune.com/2022/04/21/inflation-food-rise-2022-bank-of-america-says/>; Dominic Rushe, June 10, 2022, US inflation hits 40-year high of 8.6% as food, gas and shelter costs rise, <https://www.theguardian.com/business/2022/jun/10/us-inflation-rate-may-2022-four-decade-high>.

<sup>42</sup> World Economic Forum, Centre for the New Economy and Society, Chief Economists Outlook, May 2022, [https://www3.weforum.org/docs/WEF\\_Chief\\_Economists\\_Outlook\\_May\\_2022.pdf](https://www3.weforum.org/docs/WEF_Chief_Economists_Outlook_May_2022.pdf).

As the White House has noted, “[p]andemics and other biological threats, cyber-attacks, climate shocks and extreme weather events, terrorist attacks, geopolitical and economic competition, and other conditions can reduce critical manufacturing capacity and the availability and integrity of

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critical goods.” Executive Order on America’s Supply Chains, Feb. 24, 2021,  
<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-americas-supply-chains/>.

<sup>43</sup> HelloFresh Group, <https://www.hellofreshgroup.com/en/>; HelloFresh Group Annual Report 2021,  
<https://ir.hellofreshgroup.com/download/companies/hellofresh/Annual%20Reports/DE000A161408-JA-2021-PN-EQ-E-00.pdf>.